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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
SOUTHWEST CENTRAL EMERGENCY)
TELEPHONE SYSTEM BOARD,)
)
Complainant,)
) No. 05-0055
vs.)
)
DUPAGE COUNTY EMERGENCY)
TELEPHONE SYSTEM BOARD,)
)
Respondent.)
)
DISPUTE REGARDING U.S. POSTAL)
ZIP CODES 60514 and 60527)
PURSUANT TO THE WIRELESS)
EMERGENCY TELEPHONE SAFETY ACT)
(50 ICLS751)

Chicago, Illinois
February 8th, 2006

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

TERRANCE A. HILLIARD, Administrative Law Judge

1 APPEARANCES:

2 NEVILLE & MAHONEY, by
3 MR. RONALD F. NEVILLE
4 MR. WILLIAM R. RAGEN
5 221 North LaSalle Street
6 Suite 2100
7 Chicago, IL 60601
8 (312)236-2100
9 for Southwest Central ETSB;

10 BOND, DICKSON, & ASSOCIATES, by
11 MR. PATRICK K. BOND
12 MR. NEAL SMITH
13 203 East Liberty Drive
14 Wheaton, IL 60157
15 (630)681-1000
16 for DuPage County ETSB;

17 ILLINOIS COMMERCE COMMISSION, by
18 MR. MATTHEW L. HARVEY
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26 License No. 084-004589

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
Mr. Shanley					
Ms. Hauptman					
Mr. Jannes					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Respondent's E, G, L, and F		433

1 JUDGE HILLIARD: Mr. Shanley's been previously
2 sworn. So go right ahead and ask your questions.

3 WILLIAM D. SHANLEY,
4 called as a witness herein, having been previously
5 duly sworn, was examined and testified as follows:

6 FURTHER REDIRECT EXAMINATION

7 BY

8 MR. NEVILLE:

9 Q State your name, please.

10 A William D. Shanley, S-h-a-n-l-e-y.

11 Q You're the same William D. Shanley who
12 testified yesterday in this case?

13 A Yes.

14 Q During my examination of you, I asked you
15 about costs associated with Southwest Central 9-1-1
16 ETSB providing wireless service; is that correct?

17 A That is correct.

18 Q And your answer was approximately \$100,000?

19 A Yes.

20 Q What did that \$100,000 relate to?

21 A That related to the initial start-up costs
22 and the services that were provided at that time. It

1 would have been 2001 after he got the letter of
2 authorization, and we started setting up to handle
3 wireless calls.

4 Q What additional costs has Southwest Central
5 ETSB incurred due to wireless service? And what do
6 you expect it to incur?

7 A Approximately 40 percent of incoming 9-1-1
8 calls are wireless calls. When you equate that to
9 our -- and if you look at our budget, we spend in
10 excess of -- we spend about 40 percent of our budget
11 in the handling of wireless calls, based upon the
12 call count that we have coming in. So when -- it's
13 not so much dollars and cents as much as the impact
14 on the budget.

15 Our income has gone up but so have our
16 expenses. And the initial 20 percent was
17 insignificant, as anybody will find in wireless, to
18 the ongoing costs associated with it. And that's
19 rendering approximately 40 percent a year.

20 Q All right. And what is the budget?

21 A The budget is approximately \$800,000.

22 Q So is it fair to say that approximately 40

1 percent of \$800,000 is spent on Southwest Central
2 ETSB for wireless service?

3 A That would be fair, yes.

4 MR. NEVILLE: That's all, Judge.

5 JUDGE HILLIARD: Cross?

6 MR. BOND: Briefly.

7 FURTHER RECROSS-EXAMINATION

8 BY

9 MR. BOND:

10 Q Of that 40 percent of your budget that you
11 testified goes to the wireless, a portion of that is
12 dedicated to personnel; is that correct?

13 A Yes.

14 Q Do you know what percentage of that
15 \$40,000, roughly, is attributable to personnel?

16 MR. NEVILLE: It's 40 percent not 40,000.

17 MR. BOND: I thought it was 100,000. 40
18 percent of --

19 THE WITNESS: No. No, of the total budget, our
20 wireless represents about 40 percent of an \$800,000
21 budget.

22

1 BY MR. BOND:

2 Q Okay. And how much of that 40 percent of
3 the budget that is utilized for wireless is
4 attributable to personnel?

5 A I would only be making an estimate.
6 Approximately, 35 percent would be personnel
7 expenses -- I take that back. About that, about 30
8 percent.

9 Q So 30 percent is...

10 A Personnel.

11 Q Personnel.

12 And you know that the wireless monies
13 that are in dispute cannot be used for personnel; is
14 that correct? The wireless surcharge monies that's
15 in dispute in this proceeding?

16 A I was unaware of that.

17 MR. BOND: I have nothing further.

18 FURTHER REDIRECT EXAMINATION

19 BY

20 MR. NEVILLE:

21 Q The 35 percent, is that 35 percent of
22 \$320,000? In other words, you said 40 percent of an

1 \$800,000 budget --

2 A Right.

3 Q -- that's \$320,000 approximately?

4 A Right.

5 Q All right. Of the -- when you say 35

6 percent goes to personnel, is that 35 percent of

7 \$320,000?

8 A It would be more like 40 percent of

9 \$300,000.

10 MR. NEVILLE: Okay. That's all.

11 JUDGE HILLIARD: Staff?

12 MR. HARVEY: Nothing from Staff, your Honor.

13 JUDGE HILLIARD: All right. Mr. Shanley,

14 you're excused.

15 THE WITNESS: Thank you.

16 MR. BOND: I call Nancy Hauptman,

17 H-a-u-p-t-m-a-n.

18 And have you been sworn?

19 THE WITNESS: I've been sworn.

20 MR. BOND: May I proceed, your Honor?

21 JUDGE HILLIARD: Sure.

22

1 NANCY HAUPTMAN,
2 called as a witness herein, having been previously
3 duly sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. BOND:

7 Q Can you please state your name.

8 A My name is Nancy Hauptman, N-a-n-c-y. Last
9 name H-a-u-p-t-m-a-n.

10 Q And Ms. Hauptman, where do you currently
11 reside?

12 A My business address?

13 Q Business address.

14 A 421 North County Farm Road; Wheaton,
15 W-h-e-a-t-o-n, Illinois 60187.

16 Q And what is the highest level of education
17 that you have achieved?

18 A My highest level of education is a master's
19 in tax law with honors. I have a bachelor's degree
20 with a major in German and political science. I have
21 a master's in business administration. I have a
22 doctor of jurisprudence from Indiana University. I

1 recently completed my master's in tax law at Kent
2 with honors. And I also received the Cali award for
3 outstanding legal work in state and local taxation.

4 Q Where did you attend law school?

5 A Indiana University.

6 Q Have you received any awards or
7 certificates?

8 JUDGE HILLIARD: That you haven't described
9 already.

10 THE WITNESS: I have previously described
11 those.

12 BY MR. BOND:

13 Q And could you describe your legal
14 experience.

15 A Yes. I've been a practicing attorney for
16 over 27 years. I was the board attorney for the Lake
17 County Department of Public Welfare in Gary, Indiana.
18 Subsequently, I was appointed to the bench as a
19 magistrate in the Lake County Superior Court,
20 juvenile division in Gary, Indiana.

21 When I moved to Illinois, I was an
22 attorney in the legal division for the Illinois

1 Housing Department -- excuse me, the Illinois
2 Financing Housing Department. Subsequent to that
3 time, I became the attorney for the DuPage County
4 Board. I served in that capacity for 20 years. In
5 2003 I became employed full-time with the DuPage
6 County Emergency Telephone System Board, to the
7 present.

8 Q And you started out initially with the
9 9-1-1 Board in what capacity?

10 A I started out prior to the creation of the
11 DuPage County Emergency Telephone System Board. I
12 was with the interim committee that worked in 1987
13 and 1988, prior to the referendum, to enable the
14 question for the 9-1-1 surcharge to appear in the
15 ballot.

16 I have continuously worked with the
17 interim committee and the Emergency Telephone System
18 Board, which was its successor, up until the present
19 time.

20 Q And what was your capacity with the ETSB
21 once it was established?

22 A Once it was established, I was a board

1 member.

2 Q And you have retired from that service?

3 A Yes, I have. In approximately 1992, I no
4 longer served on the board. We had a reconfiguration
5 of our board. And then I serviced the board in a
6 staff capacity.

7 Q And then -- and your current capacity with
8 the Emergency Telephone System Board is what?

9 A System administrator.

10 Q So you have, in total, been affiliated with
11 the 9-1-1 and its predecessors since 1987?

12 A That is correct.

13 Q And are you familiar with the public
14 question referendum that established the DuPage
15 County Emergency Telephone System Board?

16 A Yes, I am.

17 Q I'm handing you what's been previously
18 marked as DuPage ETSB Exhibit E for identification,
19 and I ask you to take a look at that. Those were
20 part of the submittals (tendering).

21 A I've examined the document. This is the
22 referendum question that appeared on the ballot in

1 DuPage County, portions of Cook, Kane, and Will
2 Counties.

3 Q And are you familiar with the DuPage
4 Emergency Telephone System Act?

5 A Yes, I am.

6 Q And did the authority to establish the
7 DuPage ETSB originate from that?

8 A Yes, it did.

9 Q And is that as a basis of the corporate
10 authorities in DuPage County imposing the surcharge
11 for that establishment?

12 A Yes, it is.

13 Q And that's -- essentially, the creation of
14 the ETSB occurred as a result of the successful
15 passage of the referendum back in 1989 to current?

16 A That is correct. Yes.

17 Q Do you know the date that the Emergency
18 Telephone System Board in DuPage County was formally
19 established?

20 A I do not recall the exact date. It was in
21 1989.

22 Q And is the Village of Willowbrook, as a

1 result of the 1989 referendum, a member of the DuPage
2 County ETSB?

3 A Yes, it is.

4 Q In other words, did the referendum question
5 that was -- that you testified to in Exhibit E, that
6 encompassed all the incorporated portions of
7 Willowbrook?

8 A Yes.

9 Q And in accordance with the 1989 referendum,
10 was the Village of Clarendon Hills a member of the
11 DuPage County ETSB?

12 A Yes.

13 Q And that was also as a result of that
14 referendum question appearing on the ballot within
15 the incorporated boundaries of the Village of
16 Clarendon Hills; is that correct?

17 A Yes.

18 Q Do you know whether or not there has been
19 any referenda on a ballot within the incorporated
20 areas of the Village of Clarendon Hills or the
21 Village Willowbrook relative to an establishment of
22 an ETSB or the imposition of a surcharge?

1 A There has not been a question on the ballot
2 for Clarendon Hills or Willowbrook to establish a
3 9-1-11 surcharge.

4 Q I'm handing you what's been previously
5 marked as DuPage ETSB Exhibit G. And I ask you to
6 take a look at that. That also was previously
7 provided.

8 And do you recognize that which
9 purports to be a certification from the DuPage County
10 Election Commission?

11 A Yes.

12 Q And is -- that certification confirms what
13 your understanding is, that there has not been, on
14 official ballot, a proposition question in the
15 Village of Clarendon Hills or the Village of
16 Willowbrook with respect to the imposition of a
17 surcharge for 9-1-1 service or the establishment of a
18 9-1-1 system?

19 A Yes.

20 MR. NEVILLE: Excuse me, did you mention
21 Willowbrook as related to Exhibit G?

22 MR. BOND: Yes.

1 MR. NEVILLE: Okay.

2 BY MR. BOND:

3 Q In or around 1991 did the DuPage ETSB
4 desire to obtain dispatch services from Southwest
5 Central?

6 A Yes. Wireline dispatch service.

7 Q And the wireless wasn't in existence at the
8 time in 1991; is that correct?

9 A That is correct.

10 Q And did the DuPage ETSB negotiate with
11 Southwest Central for those dispatching services to
12 Willowbrook?

13 A Yes.

14 Q And, as a result of that, an agreement was
15 entered into between Southwest Central and DuPage
16 County ETSB?

17 A Yes.

18 Q We previously admitted that into evidence.
19 But are you familiar with that agreement?

20 A Yes.

21 Q In that agreement, was it ever the intent
22 of the parties that Willowbrook would become a member

1 of Southwest Central 9-1-1 System?

2 A No.

3 Q And was the -- as part of the contractual
4 arrangement, was Willowbrook considered the
5 third-party beneficiary to that contract?

6 A Yes.

7 Q And I think you testified to this, but I
8 want to clarify it.

9 Is it your testimony that the DuPage
10 County Emergency Telephone System Board is an
11 Emergency Telephone System Board established pursuant
12 to the Emergency Telephone System Act 50 ILCS 751.01?

13 A Yes.

14 Q Does the DuPage County ETSB provide
15 equipment services, personnel facilities, and other
16 items necessary for the implementation, operation,
17 maintenance and repair of a wireline and wireless
18 9-1-1 Emergency Telephone System within portions of
19 DuPage County?

20 A The ETSB -- the DuPage ETSB provides
21 equipment and services pursuant to the statute. The
22 DuPage County ETSB does not provide personnel.

1 Q And does the DuPage ETSB provide enhanced
2 9-1-1 wireline and wireless telephone services to its
3 members?

4 A Yes.

5 Q And, to your knowledge, who provides
6 wireless 9-1-1 Emergency Telephone Service to the
7 areas within the zip codes 60514 and 60527?

8 A The DuPage County ETSB.

9 Q And just for the record, zip codes 60514
10 and 60527, those encompass Willowbrook and Clarendon
11 Hills?

12 A Yes.

13 Q Could you describe the footprint, or the
14 9-1-1 jurisdictional boundaries, for the DuPage
15 County ETSB?

16 A The DuPage County ETSB includes all of
17 DuPage County except the incorporated portions of
18 Burr Ridge and the incorporated portions of
19 Naperville.

20 The DuPage County ETSB also includes
21 the incorporated portions of Roselle that are in Cook
22 County, Hinsdale in Cook County, a small portion of

1 Oak Brook in Cook County, the Village of Wayne that
2 is located in DuPage and Kane Counties, the Village
3 of Woodridge that is also located in the County of
4 Will.

5 In essence, the borders of the DuPage
6 County ETSB extends beyond the geographical confines
7 of the county outline. That is all pursuant to the
8 referendum questions -- question that appeared on the
9 ballot in those municipalities.

10 Q And why is it that Naperville and Burr
11 Ridge are excluded from the jurisdiction of the
12 DuPage ETSB?

13 A Naperville and Burr Ridge conducted their
14 own referendum question on the issue of surcharge.

15 Q And as a result of that referendum
16 question, they established their own surcharge --
17 imposed their own surcharge and established their own
18 ETSB?

19 A Yes.

20 Q Were you involved in the legislation that
21 established surcharge for 9-1-1 enhanced wireless
22 services?

1 A Yes.

2 Q And what was your involvement in that
3 legislation?

4 A I worked in a capacity as staff and
5 reviewed draft versions of the wireless legislation.

6 Q In fact, you had some hand in drafting that
7 legislation portion of the legislation, did you not?

8 A Yes.

9 Q And you also served in a consulting
10 capacity to provide some technical expertise both in
11 your legal background and your 9-1-1 background for
12 that legislation?

13 A Yes.

14 JUDGE HILLIARD: To whom?

15 THE WITNESS: There was an interim committee
16 created through the legislature. And hearings were
17 conducted by that interim committee statewide.

18 JUDGE HILLIARD: So you provided consulting
19 services to the committee?

20 THE WITNESS: No, to the representatives from
21 DuPage County who served on that committee. More
22 specifically, the DuPage County Sheriff was appointed

1 by the state -- I believe the governor made that
2 appointment at that point in time -- and I served in
3 a capacity to advise him while he served on that
4 committee.

5 JUDGE HILLIARD: Okay.

6 BY MR. BOND:

7 Q And you also assisted, did you not, in
8 the -- some of the specific language that is
9 currently incorporated in the Wireless Act; is that
10 correct?

11 A That is correct.

12 Q And what prompted, if you know, the
13 necessity for the 9-1-1 legislation?

14 A There were costs incurred with the
15 provisioning of wireless 9-1-1 services to the
16 answering points. There were equipment charges. And
17 at that time there was also an interim 9-1-1 wireless
18 surcharge -- or tariff would be -- tariff, excuse me.
19 It was an interim tariff.

20 Those costs needed a revenue stream to
21 enable the answering points and the 9-1-1 boards to
22 pay for the wireless 9-1-1. Phone systems had to be

1 upgraded to be able to handle the displays of the
2 wireless information transmitted by the caller, and
3 communities needed that money to be able to provide
4 that service to the 9-1-1 callers.

5 So that was the purpose of seeking the
6 surcharge on wireless subscribers.

7 Q And it was the opinion that the surcharge
8 that was imposed in 1989 in DuPage, and many other
9 communities throughout state, that those monies could
10 not be used in connection with wireless telephone
11 services?

12 MR. NEVILLE: Judge, at this point I'm going to
13 object. What she's now engaging in is hearsay.
14 She's going to testify to what the legislature deemed
15 to be appropriate, what their reasoning was behind
16 what they did. And despite the fact that she may
17 have been there, it doesn't stop it from being
18 hearsay.

19 It's improper for someone to come into
20 a hearing such as this, or a courtroom, and begin to
21 roam into the area of what legislatures intended and
22 what their purposes were. You look to the

1 legislation for that answer.

2 MR. BOND: Judge, to the extent that, A, she
3 just testified as to her extensive experience; and,
4 B, that to her knowledge or what she knows as to what
5 prompted the wireless legislation, I think that's
6 within the purview of this witness to testify to.

7 And, if I can, I'll make an offer of
8 proof that there was a determination made that these
9 surcharge monies were designed for LAN line 9-1-1
10 services; that if they were -- and it was a surcharge
11 or tax being imposed. If those monies were being
12 used for another purpose that was inconsistent with
13 the concept of taxation, you have to tax for a
14 purpose and you have to use those tax monies for that
15 purpose.

16 This sort of legislation, I think they
17 would testify, was a result of their -- there was
18 some legal issues raised with respect to the ability
19 of 9-1-1 boards to use the LAN line surcharge to
20 service this -- and you have to understand back in
21 1989 cell phones were not -- the volume of calls they
22 are now, but they were emerging at that point in

1 discussions for legislation -- that these had to be
2 accommodated, and this was this mechanism by which
3 that could be accomplished.

4 MR. HARVEY: I hate to throw in my order, your
5 Honor; but I think Mr. Neville is probably right.
6 I've done fairly extensive research on this.

7 Legislative intent comes first from
8 the language of the statute; next from extraneous
9 factors, such as the legislative debates and prior
10 versions of the bill. And that pretty much is it.

11 I -- there is case law out there that
12 says -- and here in Illinois, that says that even
13 members of the general -- individual members of the
14 general assembly cannot be heard on what legislative
15 intent was after the enactment of the bill. I mean,
16 it's --

17 JUDGE HILLIARD: I've done some work on this in
18 the past myself. And I agree with Mr. Harvey.

19 You can make an offer of proof if you
20 want, but I'm excluding the evidence for purposes of
21 this hearing.

22 MR. BOND: I would just then ask the Court to

1 take judicial notice of the Wireless Telephone System
2 Act. In particular, Section 50/ILCS 751/5 which
3 provides that, "Public safety agencies and wireless
4 carriers are encouraged to work together to provide
5 emergency access to wireless 9-1-1 and wireless
6 E9-1-1 service.

7 Public safety agencies and wireless
8 carriers operating wireless 9-1-1 and wireless E9-1-1
9 systems require adequate funding to recover the costs
10 of designing, purchasing, installing, testing and
11 operating enhanced facilities systems, and services
12 necessary to comply with the wireless E9-1-1
13 requirements mandated by the Federal Communications
14 Commission and maximize the availability of E9-1-1
15 services throughout the state of Illinois."

16 I think that's essentially -- the
17 purpose for her testimony was to show that that was
18 what we're doing. I was not attempting to provide
19 Ms. Hauptman to give an overview of legislative
20 intent. I, myself, was one of the drafters of the
21 legislation. I can provide a great deal of insight,
22 but that's not what we're here to do. I don't think

1 that it's necessary beyond what I've just provided to
2 you.

3 JUDGE HILLIARD: Okay. All right. We can take
4 administrative notice of the statute. It's 50/ILCS
5 751, as Counsel has noted.

6 MR. BOND: Thank you, Judge.

7 BY MR. BOND:

8 Q Did the wireless statute -- the Wireless
9 Act in any way alter the jurisdiction, or footprint,
10 of an existing Emergency Telephone System Board?

11 A No.

12 Q Does the DuPage County ETSB contract --
13 well, strike that.

14 Is the jurisdiction for the wireless
15 9-1-1 ETSB identical to that of the LAN line ETSB?

16 A Yes.

17 Q And, to your knowledge, are all of the
18 addresses within the wireless 9-1-1 jurisdiction of
19 the DuPage ETSB contained in the Master Street
20 Address Guide, or the MSAG, of DuPage County ETSB?

21 A Yes.

22 Q And, to your knowledge, are the postal zip

1 codes 60527 and 60514 located within the DuPage
2 County ETSB MSAG?

3 A Yes.

4 Q Do you know who possesses the authority to
5 make changes to an MSAG?

6 A Yes.

7 Q Who is that?

8 A For DuPage County the previous witness,
9 Vidas Germanas.

10 Q Does anyone -- any other individual or
11 agency possess the authority to make changes to the
12 DuPage County MSAG?

13 A No.

14 Q Has Southwest Central provided enhanced
15 wireline 9-1-1 telephone service or calls originating
16 within the incorporated boundaries of Willowbrook
17 since about 1992?

18 MR. NEVILLE: I apologize, I didn't hear you.
19 Can you please restate it?

20 MR. BOND: Sure.

21

22 BY MR. NEVILLE:

1 Q Has Southwest Central provided enhanced
2 wireline 9-1-1 telephone service for all wireline
3 9-1-1 calls originating within the incorporated
4 boundaries of Willowbrook?

5 A Yes.

6 Q They've done that since approximately 1991
7 or '92?

8 A Yes.

9 Q And has Southwest Central provided enhanced
10 wireline 9-1-1 telephone service for all wireline
11 9-1-1 calls originating within the incorporated
12 boundaries of Clarendon Hills since about 1993?

13 A Yes. Pursuant to a contract.

14 Q And in 1991 DuPage ETSB filed -- well, both
15 DuPage ETSB and Southwest Central ETSB filed their
16 amended plans with the Illinois Commerce Commission
17 seeking to allow Southwest Central to directly
18 receive and dispatch wireline 9-1-1 calls originating
19 within incorporated Willowbrook; is that correct?

20 A Yes.

21 Q And that was a result of the contract
22 between Southwest Central and DuPage?

1 A Yes.

2 Q And in that 1991 contract, was that amended
3 in 1993 to include Willowbrook and Clarendon Hills?
4 Is that correct?

5 A Yes.

6 Q And, again, the parties sought to amend the
7 wireline plans to account for that modification?

8 A Yes.

9 Q There was a modification of the service
10 territory; is that correct?

11 A That is correct.

12 Q And is the modification of a service
13 territory the same as a modification of a
14 jurisdictional territory or boundary?

15 A No --

16 MR. NEVILLE: Judge, there is an awful lot of
17 leading going on here to some --

18 JUDGE HILLIARD: What?

19 MR. NEVILLE: A lot of leading to some extent.

20 JUDGE HILLIARD: If you want to make an
21 objection to a particular question, go ahead. I
22 mean, he's --

1 MR. NEVILLE: Well, I'm objecting at this point
2 to the leading. The leading before were facts that
3 have been established, so that wasn't a concern. Now
4 we're getting into an area where --

5 JUDGE HILLIARD: Try --

6 MR. BOND: I was just trying to save some time,
7 Judge.

8 JUDGE HILLIARD: She's a very articulate
9 witness. I don't think there's a...

10 BY MR. BOND:

11 Q What is a service territory?

12 A That is the area that is served for 9-1-1
13 call-taking purposes.

14 Q And what is a jurisdictional territory or
15 jurisdictional boundary?

16 A Jurisdictional boundary is the political
17 outline of the unit of government.

18 Q Are those two one and the same?

19 A No.

20 JUDGE HILLIARD: You know what, we probably got
21 to break now so I can go to my meeting.

22 (Whereupon, a recess was taken.)

1 JUDGE HILLIARD: Please continue the
2 examination.

3 BY MR. BOND:

4 Q Okay. Referring to the 1993 contract,
5 which has been previously admitted as an exhibit, did
6 the DuPage ETSB relinquish its jurisdiction over
7 Willowbrook or Clarendon Hills?

8 A No.

9 MR. NEVILLE: I object to that, Judge. That's
10 a legal conclusion.

11 JUDGE HILLIARD: She's a lawyer.

12 MR. NEVILLE: Well, lawyers cannot testify to
13 legal conclusions. And I have case law to that
14 effect. No one but the Judge can make decisions with
15 regard to legal conclusions. Be it an attorney or
16 not, you're only a witness and that's improper.

17 MR. BOND: Well, Judge, she's indicated her
18 extensive experience with the 9-1-1. She's also
19 testified as to her legal experience. She served in
20 the capacity as a legal representative for the 9-1-1.
21 She's also participated in the contracts that are at
22 issue that I asked the question about.

1 MR. HARVEY: If I might, maybe the question
2 that she can answer is, Did the DuPage County ETSB
3 intend to relinquish jurisdiction --

4 JUDGE HILLIARD: Why don't you rephrase --

5 MR. HARVEY: -- by executing the contract.

6 JUDGE HILLIARD: Rephrase it, please.

7 BY MR. BOND:

8 Q Okay. In the 1993 contract, did the DuPage
9 County ETSB intend to relinquish its jurisdiction
10 over Willowbrook and Clarendon Hills?

11 A No.

12 Q In the contract, did the parties state
13 their intention as to the status of Willowbrook and
14 Clarendon Hills?

15 A Yes.

16 Q And what was that status?

17 A That Clarendon Hills and Willowbrook are
18 members of the DuPage County ETSB. They are not
19 members of the Southwest Central ETSB. And Clarendon
20 Hills and Willowbrook are only contract members of
21 Southwest Central Dispatch.

22 Q Are you familiar with the term "contract

1 members" as being references to any of the wireline
2 or wireless acts?

3 A No.

4 Q In that contract, Willowbrook and Clarendon
5 Hills are both determined to be third-party
6 beneficiaries to the contract?

7 A Yes.

8 Q And on June 23, 1993, to your knowledge,
9 did the ICC approve the modifications to the service
10 territories requested by DuPage ETSB and Southwest
11 Central?

12 A Yes.

13 Q In your opinion, did that alter the
14 jurisdictional boundaries of them?

15 A No.

16 MR. NEVILLE: Objection, Judge. That is a
17 legal conclusion.

18 JUDGE HILLIARD: I think that's right.

19 Sustained.

20 BY MR. BOND:

21 Q Does the agreement refer in any way to
22 jurisdiction?

1 A No.

2 Q Does the ICC -- or has the ICC, in the
3 modification of the respective plans, ever made
4 reference or indicated anything with respect to
5 jurisdiction?

6 A No.

7 Q Why was jurisdiction not referenced in
8 the -- either in the contract, in the plan, or in the
9 ICC order?

10 A When I --

11 MR. NEVILLE: Objection to that, Judge.

12 JUDGE HILLIARD: Sustained.

13 MR. BOND: Well, Judge, I'm not asking here
14 what the jurisdiction is. I'm asking her why that
15 particular term was not a provision in the contract.

16 JUDGE HILLIARD: Well, you can ask her why
17 DuPage didn't put it in the contract.

18 MR. BOND: But the contract was between DuPage
19 and Southwest Central.

20 JUDGE HILLIARD: But she doesn't know what
21 Southwest Central's intention was.

22 BY MR. BOND:

1 Q But I think you testified that -- the term
2 "jurisdiction" was not referenced in the agreement at
3 all; is that correct?

4 A That is correct.

5 Q Has Southwest Central since 1992 provided a
6 wireline 9-1-1 telephone service for all wireline
7 9-1-1 calls originating within the incorporated
8 boundaries of Willowbrook?

9 A Yes.

10 Q Has Southwest Central 9-1-1 since 1993 up
11 through and to the present time provided or supplied
12 wireline 9-1-1 telephone service for all wireline
13 9-1-1 calls originating within the incorporated
14 boundaries of Clarendon Hills?

15 A Yes.

16 Q And the wireline 9-1-1 calls originating
17 within incorporated Willowbrook and incorporated
18 Clarendon Hills are directly received by Southwest
19 Central and dispatched from the inception of the call
20 to the end of the emergency?

21 A Yes.

22 Q The wireless calls, however, originating

1 within the incorporated areas of Willowbrook and the
2 incorporated areas of Clarendon Hills, where are
3 those -- how are those answered and received?

4 A Those are answered by the DuPage County
5 Wireless 9-1-1 Center in Wheaton, Illinois.

6 Q And they are not received directly by
7 Southwest Central?

8 A No.

9 Q After the enactment of the Wireless Act,
10 did DuPage ETSB file a wireless plan as required by
11 statute with the ICC?

12 A Yes.

13 Q I'm handing you what's been previously
14 marked as Exhibit L for identification. And I ask
15 you to take a look at that. Those are the copies
16 that have been previously tendered to the parties.

17 A Yes, that is the wireless plan filed by
18 DuPage County ETSB and submitted to the ICC.

19 Q Directing your attention to what -- page 5
20 of the plan, it says, "In the matter of petition --
21 this is actually the petition of the ETSB.

22 MR. NEVILLE: Pat, I'm sorry, what page are we

1 looking at?

2 MR. BOND: It's page 5.

3 THE WITNESS: 5.

4 BY MR. BOND:

5 Q Schedule A, the narrative schedule to the

6 petition itself.

7 A Yes.

8 MR. BOND: Do you have that?

9 MR. NEVILLE: I do. I have it now, yes.

10 BY MR. BOND:

11 Q And that is a -- provides a narrative --

12 this schedule provides a narrative explanation of the

13 jurisdictional boundaries of the DuPage ETSB?

14 A Yes.

15 Q And, specifically, with respect to -- if

16 you can look on page 6, with respect to -- I'm sorry,

17 page 7, Section 1.107. It's got a reference in there

18 to the Southwest Central.

19 A Are you referring to Section 1.07?

20 Q 1.07.

21 A Yes.

22 Q And what was the provision of the DuPage

1 plan as it related to calls within the postal zip
2 codes for Clarendon Hills and Willowbrook?

3 A The wireless 9-1-1 calls originating in
4 Clarendon Hills and Willowbrook will be answered by
5 the DuPage Sheriff's Office.

6 Q And where were those wireless surcharges
7 from those zip codes to be remitted in DuPage?

8 A To the DuPage County Emergency Telephone
9 System Board.

10 Q And consistent with the plan submitted to
11 the ICC and -- well, was that plan approved?

12 A Yes. The plan was submitted to the ICC on
13 October 10th of 2000. And on December 7th, 2000,
14 S. Rick Gasferon (phonetic), 9-1-1 program director,
15 advised the DuPage County ETSB that the plan had been
16 approved.

17 Q And that's the first page of Exhibit L, the
18 letter of December 7th from Gasferon?

19 A Yes.

20 Q Consistent with the plan submitted and
21 approved by the ICC, have the wireless 9-1-1 calls
22 originating in Willowbrook and Clarendon Hills been

1 directly received by the Sheriff's Office?

2 A Yes.

3 Q And after they're received, they're
4 dispatched to -- within the incorporated areas of
5 Willowbrook and Clarendon Hills, who are those then
6 dispatched to?

7 A The calls are transferred to Southwest
8 Central.

9 Q Prior to the enactment and since
10 approximately 1994, who was handling the wireless
11 9-1-1 calls within the incorporated areas of
12 Willowbrook and Clarendon Hills?

13 A DuPage County Sheriff.

14 Q When those calls are transferred to
15 Southwest Central, is Southwest Central -- what is
16 Southwest Central's status, or capacity, at that
17 time?

18 A Could you rephrase the question.

19 Q Does Southwest Central serve in a capacity
20 as a dispatch center at that juncture for those
21 calls?

22 A Yes.

1 Q To your knowledge, has the receipt of
2 the -- the direct receipt of wireless 9-1-1 calls by
3 the DuPage County Sheriff's Office from incorporated
4 Willowbrook or incorporated Clarendon Hills ever
5 resulted in some compromising safety or unacceptable
6 safety issue?

7 A No.

8 Q Would you have been made aware of it had
9 such an incident existed?

10 A Yes.

11 MR. NEVILLE: Objection to that unless you lay
12 a foundation.

13 MR. BOND: I'll lay a foundation.

14 JUDGE HILLIARD: Broad foundation.

15 MR. BOND: Okay.

16 BY MR. BOND:

17 Q In your role and capacity -- your current
18 role or capacity with the DuPage County ETSB and your
19 previous role and capacity of the DuPage County ETSB,
20 did those -- did your position include assessing and
21 evaluating the effectiveness of the operation?

22 A Yes.

1 Q And if there were situations where the
2 operation needed to be remedied or equipment was
3 necessary or there was some glitch, would that be
4 made known to you?

5 A Yes.

6 Q And have you become aware of any incidents
7 where there was a glitch or problem with the
8 transmission of a call, wireless 9-1-1 call, received
9 from incorporated Clarendon Hills or Willowbrook?

10 A No.

11 Q What is your understanding is the required
12 order for grant funds to be released to Southwest
13 Central?

14 MR. NEVILLE: Objection, Judge, he's asking for
15 a legal conclusion.

16 MR. BOND: I'm asking her what her
17 understanding is.

18 MR. NEVILLE: Well, it doesn't make any
19 difference, Judge. "Understanding" is asking for a
20 legal conclusion. You're to make that decision here.
21 That's your job, not a lawyer to come in here and
22 start giving legal conclusions with regard to a

1 statute.

2 And I'll tell you another thing that
3 it's going to lead to is an interpretation of the
4 statute. She -- no way can this woman tell you how
5 it should be done without interpreting the statute --

6 MR. BOND: Judge --

7 MR. NEVILLE: -- and that's forbidden.

8 MR. BOND: Judge, to suggest that is to say we
9 shouldn't present any evidence. We can present
10 evidence, and you can assess it and provide it the
11 way you deem appropriate.

12 We believe it is a legal issue. It's
13 going to need legal resolution. I've asked her what
14 her understanding was of how that is accomplished and
15 what facts that she has on that basis. I think it's
16 something to assist the Court in making a
17 determination as to ascribing the proper
18 interpretation of the statute.

19 MR. NEVILLE: I'm prepared to cite cases,
20 Judge, that that's not admissible testimony.

21 JUDGE HILLIARD: Well, what was the question?

22

1 (Whereupon, the record was read
2 as requested.)

3 JUDGE HILLIARD: Well, I think that in a
4 capacity as administrator she might have an
5 understanding of how the procedure works. She can
6 answer that.

7 THE WITNESS: Southwest Central is not the ETSB
8 for Clarendon Hills and Willowbrook. The funds
9 should go to the ETSB -- DuPage County ETSB.

10 JUDGE HILLIARD: The question was --

11 THE WITNESS: The procedure?

12 JUDGE HILLIARD: The procedure.

13 THE WITNESS: In order for Southwest Central to
14 receive any funds from the zip code 60514 or 60527, a
15 zip code agreement would need to be executed between
16 the DuPage County ETSB and Southwest Central ETSB.

17 BY MR. BOND:

18 Q Has such an agreement been executed?

19 A No.

20 Q Has an attempt at negotiating an agreement
21 occurred?

22 A No.

1 Q Has there been any negotiations between
2 DuPage ETSB and Southwest Central ETSB relative to
3 the surcharge monies for the zip codes within
4 incorporated Clarendon Hills and incorporated
5 Willowbrook?

6 A Yes.

7 Q And that never resulted in an agreement; is
8 that correct?

9 A That is correct.

10 Q Is the public safety in incorporated
11 Willowbrook and incorporated Clarendon Hills in any
12 way impacted by the DuPage ETSB receiving the calls?

13 A No.

14 Q To your knowledge -- well, let me ask you
15 this:

16 Is there a -- has the DuPage ETSB been
17 assessed a tariff in connection with wireless 9-1-1
18 phase 1 and phase 2 operations?

19 A Yes. The DuPage County ETSB paid the
20 interim tariff in the early 1990s prior to the formal
21 tariff approved by the ICC for SBC.

22 Q Has DuPage County paid all tariffs due

1 under Tariff No. 20, Part 8, Section 7?

2 A Yes.

3 Q And was the population figure for
4 incorporated Willowbrook and incorporated Clarendon
5 Hills included within the tariff paid by the DuPage
6 ETSB?

7 A Yes. SBC submitted population figures to
8 the DuPage County ETSB. Included in SBC's population
9 figures were the Villages of Clarendon Hills and
10 Willowbrook. Those tariffs have been paid.

11 Q Okay. To your knowledge, what is the total
12 value of the equipment that the DuPage ETSB uses in
13 connection with their wireless 9-1-1 system?

14 A The DuPage County ETSB constructed and
15 funded equipment for a wireless PSAP at a cost of
16 \$1,320,908.

17 Q And is that part of the infrastructure
18 costs of operating and maintaining such a system?

19 A Yes.

20 Q Are there any other costs that the DuPage
21 County ETSB incurs in connection with the operation
22 of that system?

1 A Yes. The DuPage County ETSB has
2 constructed a high-speed optical connection between
3 all of our public safety answering points, our police
4 agencies to the DuPage County Sheriff. It's called a
5 SONET, S-O-N-E-T, ring in conjunction with SBC at a
6 cost of over \$3 million. Included as part of that
7 project was another \$3,190,504 for the accompanying
8 recordkeeping system to capture the 9-1-1 data out of
9 the call system along with the computer-aided
10 dispatch center -- system. I'm sorry, not center.
11 System. Thank you.

12 Q And does that system allow for there to be
13 access and communication between and among public
14 safety agencies?

15 A Yes.

16 Q Does it also allow the communication with
17 other governmental agencies such as the Circuit Court
18 Clerk's Office in the event of criminal matters?

19 A Yes. The entire SONET system, record
20 system, the CAD system, from the inception of that
21 9-1-1 call, all the valuable data is captured and is
22 seamlessly transmitted throughout the entire 18th

1 Judicial Circuit.

2 Q And the surcharge monies at issue, what
3 would those monies be used for upon release?

4 A Those monies will be used, one, to pay the
5 tariff that the DuPage County ETSB has already paid
6 for Willowbrook and Clarendon Hills. They will be
7 used to maintain the phone system, the computer-aided
8 dispatch system. And currently Willowbrook pays to
9 the ETSB \$468 a month because they want to obtain
10 access to the SONET ring, the high-speed network, and
11 access to the 9-1-1 data.

12 Clarendon Hills could not -- or did
13 not pay the funds and have no access to the SONET
14 ring. Upon release of the surcharge monies, the
15 monies paid by Willowbrook, 12 payments of \$468, will
16 be refunded. That is a \$3 million contract. The
17 installation will be made at Clarendon Hills, and
18 Willowbrook will continue to receive the SONET
19 services for free to enable them to have access to
20 the CAD system, the record system, the automatic jail
21 interface to that system, and to the Circuit Court
22 Clerk.

1 Q I'm handing you what's been previously
2 marked as DuPage ETSB Exhibit F.

3 MR. NEVILLE: Which exhibit is it?

4 MR. BOND: Exhibit F.

5 THE WITNESS: F.

6 JUDGE HILLIARD: Thank you.

7 BY MR. BOND:

8 Q I ask you to take a look at that.

9 A Yes.

10 Q Do you recognize that?

11 A Yes.

12 Q And what do you recognize that to be?

13 A This is a report of the 9-1-1 referendum
14 question posted on the ballot in various
15 municipalities and counties throughout the state of
16 Illinois.

17 JUDGE HILLIARD: What's the source of this
18 document?

19 BY MR. BOND:

20 Q Do you know where this document is
21 maintained?

22 A I believe the ICC publishes that annually

1 in a report on the status of 9-1-1 service in the
2 state of Illinois.

3 Q And it's also available on the ICC Web
4 site?

5 A That is my understanding, yes.

6 Q And there is no referendum that's referred
7 to in this exhibit with respect to Clarendon Hills or
8 Willowbrook; is that right?

9 A Could I please look at it again.

10 Q (Tendering.)

11 A No, I do not see Clarendon Hills or
12 Willowbrook.

13 Q Is it your testimony that the surcharge
14 are -- surcharge monies are necessary to defray those
15 costs that you previously testified to?

16 A Yes.

17 MR. BOND: I have nothing further.

18 JUDGE HILLIARD: Cross? Are you going to admit
19 these exhibits?

20 MR. BOND: Yes, Judge. I move to admit Exhibit
21 E, which consists of certification from Robert P.
22 Sahr (phonetic) regarding the 1989 referendum

1 question. I move for the --

2 MR. HARVEY: I've got G and F, as well.

3 MR. BOND: Yeah. I move for the admission of
4 Exhibit G, which is the certification from Robert
5 Sahr of the DuPage County Election Commission
6 regarding there being no valid referendum questions
7 for Clarendon Hills or Willowbrook.

8 I would move for the admission of
9 Exhibit F, which is the recitation from the ICC's
10 documents regarding the communities which have had
11 referendum in connection with 9-1-1 surcharges.

12 I move for the admission of Exhibit L,
13 which is the wireless plan of the DuPage County ETSB.

14 JUDGE HILLIARD: Objections?

15 MR. NEVILLE: The only objection I would have
16 is to F. And if it's only being offered to show that
17 Willowbrook and Clarendon did not have a referendum,
18 I have no objection.

19 MR. BOND: That's the only purpose for it,
20 Judge.

21 JUDGE HILLIARD: Okay. Exhibits E, G, L, and F
22 will be admitted.

1 (Whereupon, Respondent's
2 Exhibits E, G, L, and F were
3 admitted into evidence.)
4 JUDGE HILLIARD: Cross?
5 MR. NEVILLE: Yes, sir.
6 CROSS-EXAMINATION
7 BY
8 MR. NEVILLE:
9 Q Now, you indicated in your testimony that
10 the zip 60514 and 60527 are geographically located
11 within the boundaries of DuPage; is that correct?
12 A Yes. However, I believe 605- -- I'm having
13 a hard time hearing you. I believe you said 60527
14 may extend into another county.
15 Q But at least we know that Willowbrook and
16 Clarendon Hills are involved in 60514 and 60527?
17 A Yes.
18 Q There's no issue about that?
19 A Not to my knowledge.
20 Q And you would agree that Southwest Central
21 ETSB is responsible for the wireline dispatching for
22 9-1-1 wireline calls to Clarendon Hills and

1 Willowbrook?

2 A No.

3 Q They're not responsible for the wireline --

4 A No. DuPage County ETSB is responsible.

5 Q Does DuPage have authority from the ICC to

6 dispatch for Clarendon Hills and Willowbrook for

7 wireline?

8 A Originally, when the first plan --

9 Q I'm not asking you "originally". I'm

10 asking you --

11 A At the present time, no.

12 Q And since 1993 to the present time, isn't

13 it true that only Southwest Central ETSB has

14 authority from the ICC to receive and dispatch

15 wireline calls emanating from Willowbrook and

16 Clarendon Hills?

17 A Yes.

18 Q Now, you had indicated that certain costs

19 are incurred with regard to maintaining --

20 implementing and maintaining a wireless system; is

21 that correct?

22 A Yes.

1 Q You would agree that Southwest Central ETSB
2 also incurs costs for maintaining and implementing a
3 wireless system?

4 A I have no knowledge of their costs.

5 Q Do you think it would be free?

6 MR. BOND: Object- --

7 JUDGE HILLIARD: You're arguing with the
8 witness. You've had your -- you've introduced
9 testimony there are costs.

10 MR. BOND: And we stipulated there are costs.

11 JUDGE HILLIARD: That's correct.

12 BY MR. NEVILLE:

13 Q You testified that the copy of the MSAG was
14 introduced -- DuPage MSAG was introduced at the
15 hearing; correct? I forgot the exhibit number,
16 but it was --

17 MR. BOND: R.

18 BY MR. NEVILLE:

19 Q R. Do you recall that?

20 A No. Could you please ask your question
21 again.

22 Q Sure. Do you recall that Exhibit R was

1 introduced into evidence at this hearing?

2 A Yes.

3 Q And that was a copy of the DuPage MSAG;
4 correct?

5 A If you could show me Exhibit R, it would
6 refresh my memory.

7 Q Okay.

8 MR. NEVILLE: Do you have a copy close by you
9 can show her?

10 MR. RAGEN: (Tendering.)

11 THE WITNESS: Thank you. Yes, Exhibit R is the
12 DuPage MSAG.

13 BY MR. NEVILLE:

14 Q But Exhibit R is the current MSAG, is it
15 not?

16 A Yes, that is correct.

17 Q Prior to June of 2005, the DuPage MSAG did
18 not contain the ESN numbers for Clarendon Hills and
19 Willowbrook; isn't that correct?

20 A Yes.

21 Q And the ESN numbers for Clarendon Hills and
22 Willowbrook were contained in the Southwest Central

1 ETSB MSAG; isn't that correct?

2 A Yes.

3 Q And you agree that an ESN is a routing --
4 allows for routing of 9-1-1 call- -- wireline 9-1-1
5 calls?

6 A Yes.

7 Q And would you agree also that the street --
8 the address range is the -- the high/low address
9 ranges for Clarendon Hills and Willowbrook were also
10 in Southwest Central's 9-1-1 MSAG?

11 A For incorporated Clarendon Hills --

12 Q And Willowbrook.

13 A -- and incorporated Willowbrook, yes.

14 Q So the Southwest Central ETSB's MSAG, prior
15 to June of 2005, contained the address information,
16 range information, with regard to Clarendon Hills and
17 Willowbrook as well as the ESN numbers for
18 Willowbrook; is that fair?

19 A In June 2005 it did. I have no knowledge
20 as to what point prior.

21 Q Okay. You testified that you were familiar
22 with Southwest Central Dispatch's Exhibit 11?

1 A Could you please show it to me.

2 MR. RAGEN: (Tendering.)

3 THE WITNESS: Yes, I am familiar with Exhibit

4 11.

5 BY MR. BOND:

6 Q All right. And that was signed by the

7 chairman of the Emergency Telephone System Board in

8 May of 1993?

9 A Yes.

10 Q Okay. That contract does say, does it not,

11 that the Southwest Central 9-1-1 system shall be

12 responsible for maintenance of the Master Street

13 Address Guide for the Village of Willowbrook and

14 Clarendon Hills?

15 A Could you direct me to that section,

16 please.

17 Q Certainly. That would be page 5, paragraph

18 5?

19 A Yes.

20 Q It does it state that, does it not?

21 A Yes.

22 Q Now, you testified, if I understood you

1 correctly -- and correct me if I'm wrong -- that the
2 only way that surcharge monies -- wireless surcharge
3 grant money can be paid out in this case is if DuPage
4 and Southwest Central ETSB enter into a written
5 agreement. Is that your testimony?

6 A No.

7 Q Okay. You do agree that the issue of who
8 gets the wireless surcharge grant money can be
9 resolved by the Wireless Act?

10 A Yes.

11 Q And, in fact, that's what this proceeding
12 is for?

13 A Could you please ask the question again?

14 Q Sure.

15 MR. BOND: I'm going to object. I mean, he
16 objected to her --

17 JUDGE HILLIARD: Yeah, you're asking for a
18 legal conclusion on the part of the witness here,
19 Mr. Neville. I think I can sustain the objection.

20 MR. HARVEY: I think we all do agree that
21 that's what this proceeding is.

22 JUDGE HILLIARD: Yeah, we do; but --

1 MR. NEVILLE: I'm happy to withdraw the
2 question.
3 JUDGE HILLIARD: What's good for the goose is
4 good for the gander here.
5 MR. NEVILLE: That's fine.
6 BY MR. NEVILLE:
7 Q Now, you're aware of Section 25 of the
8 Wireless Act?
9 A Yes. I believe so. If I could take a
10 minute to look at it?
11 Q Certainly.
12 A Yes.
13 Q And the third full paragraph of Section 25,
14 you're familiar with that?
15 A Yes, I am.
16 Q Okay. Does that contain the words anywhere
17 "service territory"?
18 A No.
19 Q Does it contain the phrase "jurisdictional
20 boundary"?
21 A No. It contains the words "overlapping
22 jurisdiction," which does not exist here.

1 Q And does it contain the word "referendum"?

2 A No.

3 Q Now, you testified that the wireless 9-1-1

4 calls that emanate from Willowbrook and Clarendon

5 Hills are first routed to the DuPage Sheriff?

6 A Correct.

7 Q That's by choice, is it not?

8 A No.

9 Q Okay. In other words --

10 A That is by order of the ICC.

11 Q But that was the plan that was presented to

12 the ICC?

13 A That is correct.

14 Q That is correct.

15 And that was the plan that was

16 presented by DuPage?

17 A Yes. And that has been the process in

18 effect since 1994.

19 Q And you stated that your wireless plan had

20 been approved, did you not --

21 A Yes.

22 Q -- isn't that the word you used?

1 You were --

2 MR. NEVILLE: I'm going to be referring to

3 Southwest Central Dispatch 18, Judge.

4 MR. BOND: I'm sorry, which number?

5 MR. NEVILLE: Southwest Central 18.

6 THE WITNESS: 18. Yes, I have Exhibit 18.

7 BY MR. NEVILLE:

8 Q All right. That's a letter of Mr. Heap

9 (phonetic) -- strike that.

10 It's a letter addressed to Mr. Heap

11 and signed by Mr. Gasferon?

12 A Yes.

13 Q Dated December 7th?

14 A Yes. 2000.

15 Q Do you see the word "approval" in any of

16 the --

17 A No. I see the words "your entity" --

18 Q The question was, Ms. Witness, do you see

19 the --

20 A No. No, I've asked and answer (sic).

21 Q Are you familiar with the Section 728-210,

22 Subsection C, 1 to 6?

1 A I would need to look at the section.

2 Q Okay.

3 A What is the citation again?

4 Q The same citation that's in the letter.

5 A Oh. That is part of the administrative

6 code. I would need to look at the administrative

7 code.

8 Q Okay.

9 MR. HARVEY: If I might, your Honor -- I think

10 I know where this is going. The question is going to

11 be whether these wireless plans were, in fact,

12 approved by the Commission or reviewed by Staff or

13 what Commission impromptu, or wireless plan --

14 JUDGE HILLIARD: Is that correct?

15 MR. NEVILLE: That's correct.

16 JUDGE HILLIARD: So do you want to speak to

17 that?

18 MR. HARVEY: I think I can, your Honor. I

19 don't think there's a formal requirement in the

20 Wireless Act that either -- or any wireless plan be

21 formally approved by the Commission. And my

22 understanding -- and if it becomes necessary to

1 formally prove this, I will, I guess, submit an
2 affidavit from Staff or something -- that Staff
3 reviewed these plans for compliance and deter- --
4 with the statutory sections cited; and, in fact, to
5 the extent that they do so comply, that Staff would
6 send a letter to the appropriate ETSB suggesting
7 that, in fact, that Staff had reviewed the plan and
8 determined that it was in compliance with the
9 relevant regulations.

10 It is not my understanding that these
11 plans were formally submitted to the Commission in a
12 manner that would have resulted in a docketed
13 proceeding or a Commission order. If that is the
14 question, you know, I think we can perhaps agree to
15 that. Because that is, in fact, the procedure that
16 was used.

17 MR. NEVILLE: That's fine with me. That's what
18 I was trying to show.

19 The only other point I'm trying to
20 make from this is that the section of the
21 administrative code that's cited in this letter does
22 not relate to surcharge funds. That's the other the

1 point I'm trying to make. But that can be an
2 argument be- --

3 MR. BOND: Well, we'll stipulate to that
4 section doesn't refer to surcharge funds.

5 MR. NEVILLE: Yes.

6 MR. HARVEY: And I would further note that this
7 applies to all plans and not just DuPage's. It was
8 not in my intent to suggest that DuPage's plan was
9 not approved of but as to Southwest Central's was.
10 In fact, Southwest Central's was reviewed in the same
11 manner.

12 JUDGE HILLIARD: Fine.

13 MR. BOND: And, Judge, I think we've used,
14 perhaps unartfully, the approved and accepted -- I
15 think Mr. Shanley's testimony is the same with
16 respect to their plan. But we would accept the
17 Staff's interpretation of what that change is, which
18 is really accepted.

19 JUDGE HILLIARD: Okay.

20 MR. NEVILLE: Fine. That's all I was trying to
21 show, your Honor.

22

1 BY MR. NEVILLE:

2 Q DuPage has the capability, does it not, the
3 ETSB, to route wireless calls directly to a PSAP
4 other than a Sheriff?

5 A I do not have knowledge of that.

6 Q You testified that you were never made
7 aware of any problem with dispatching by the DuPage
8 Sheriff. Is that what your testimony is?

9 A My testimony was not those words. If you
10 could ask the question...

11 Q Well, I'm trying to find out if, as you sit
12 here, your testimony is that DuPage Sheriff has never
13 made an error with a 9-1-1 wireless call?

14 A That is not my testimony.

15 Q That's what I thought your testimony was.
16 That's why I'm asking.

17 A No, I did not state that.

18 Q You are aware that the DuPage Sheriff has
19 made errors in dispatching with the receipt of 9-1-1
20 calls -- wireless 9-1-1 calls, are you not?

21 A I do not have any knowledge given to me
22 directly of that.

1 Q But you're not sitting there saying here
2 today that they've never -- that the Sheriff's
3 dispatching has never been in error?

4 A I do not have any knowledge of that either.

5 Q Would you agree that the fact that a
6 wireless call is received by the Sheriff and not
7 directly by Southwest ETSB causes additional time to
8 be expended prior to the issuance of emergency
9 personnel?

10 A No. The procedure used at the Sheriff is
11 the same procedure used for every other incorporated
12 municipality within the DuPage County ETSB.

13 Q Well, that may be. But the fact of the
14 matter is that when a wireless call is routed to the
15 Sheriff and not directly to Southwest, doesn't it
16 take more time to address the emergency?

17 A I do not have any knowledge of that.

18 Q Okay. Are you aware that Southwest Central
19 ETSB has also paid the tariff to SBC?

20 A I was recently informed of that fact much
21 to my surprise, yes.

22 Q And what is the yearly budget of the DuPage

1 ETSB?

2 MR. BOND: Objection. It goes beyond the

3 scope. But if she knows...

4 JUDGE HILLIARD: If you know the answer, fine.

5 THE WITNESS: Yes. We have two budgets, and

6 they total \$14 million.

7 BY MR. NEVILLE:

8 Q That's yearly --

9 A Yes.

10 Q -- or annual, I should say.

11 A Yes, it's an appropriation budget. That is

12 correct, yes.

13 Q You talked about the SONET ring?

14 A Yes.

15 Q And that's a voluntary program; correct?

16 A It's not a program.

17 I don't understand your question.

18 JUDGE HILLIARD: I think it's equipment.

19 MR. NEVILLE: Well --

20 MR. HARVEY: It's a high capacity --

21 BY MR. NEVILLE:

22 Q -- I didn't mean it as a program in a

1 computer sense. I meant whether or not the community
2 elects to participate in the SONET ring is a
3 voluntary decision on their part?

4 A No, it is part of our public safety
5 network.

6 Q I thought I heard you say -- testify that
7 Clarendon Hills is not participating in it?

8 A No, because there's no revenue to pay for
9 their participation.

10 Q So you're going -- DuPage ETSB is going to
11 require every community --

12 A No.

13 Q Well, then who has the choice of whether
14 they're involved in it?

15 A There are only two communities that have no
16 revenue to pay for SONET -- and it is a serious
17 matter for the DuPage County ETSB -- Willowbrook --
18 and Willowbrook opted to enter a contract to receive
19 the service. Clarendon Hills could not pay the
20 revenue needed for SONET access.

21 Q And, therefore, they elected not to be part
22 of it as --

1 A I can't answer that.

2 Q Is the SONET ring involved only in the
3 receipt and dispatching of wireless calls?

4 A No.

5 Q It involves wireline calls as well?

6 A It involves all 9-1-1 calls.

7 Q It also involves radio communication by
8 emergency personnel?

9 A Not to my knowledge.

10 MR. NEVILLE: Just give me a second, Judge.

11 BY MR. NEVILLE:

12 Q You testified that Southwest Central ETSB
13 provides wireline 9-1-1 dispatching of Clarendon
14 Hills and Willowbrook pursuant to the contract. Do
15 you recall that testimony?

16 A Incorporated Willowbrook and Clarendon
17 Hills, yes.

18 Q In fact, their authority comes from the ICC
19 order, does it not?

20 A I believe so, yes.

21 MR. NEVILLE: That's all I have, Judge.

22 JUDGE HILLIARD: Redirect?

1 MR. HARVEY: No, I don't have anything for this
2 witness, your Honor.

3 REDIRECT EXAMINATION

4 BY

5 MR. BOND:

6 Q You had testified as to the contract -- the
7 1993 contract between the DuPage County ETSB and
8 Southwest Central ETSB?

9 A Yes.

10 Q And in that contract, the parties agreed
11 that the Southwest Central would then handle the --
12 directly handle 9-1-1 wireline calls?

13 A Yes.

14 Q And if DuPage County exercised its
15 cancellation rights under paragraph 10 of that
16 agreement, would that alter the relationship between
17 the parties?

18 A It would alter the relationship, yes.

19 Q And would that cause, then, the parties to
20 go back to the ICC to modify the wireline territory
21 or service area?

22 A I cannot speak prospectively. It might.

1 Q Why were the ESN numbers for Willowbrook
2 and Clarendon Hills, to your knowledge, not in the
3 DuPage ETSB MSAG?

4 MR. NEVILLE: Objection, Judge, unless he lays
5 a foundation.

6 JUDGE HILLIARD: Why don't you try a foundation
7 first.

8 BY MR. BOND:

9 Q In the course of your various capacities
10 with the DuPage ETSB, did you -- do you have an
11 occasion to review the MSAG at any time?

12 A Yes.

13 Q And on how frequent a basis have you done
14 that?

15 A The MSAG was initially reviewed when it was
16 presented to the ETSB.

17 Q When would that have been?

18 A That would have been in 1988 when the ETSB
19 had to sign nondisclosure agreements to obtain the
20 MSAG.

21 I visually see the MSAG requests
22 coming from municipalities, but an entire MSAG

1 printout would not be received after the initial MSAG
2 was received in '88 on a regular basis.

3 Q So there's not a periodic update that's
4 supplied to the DuPage ETSB of the MSAG?

5 A There are constant updates, but a massive
6 printing -- the original printing was boxes and
7 boxes, an entire wall maybe of 8-by-8 of the MSAG. I
8 have not reviewed or seen that since the original
9 9-1-1 system was established.

10 Q When did you first learn that the ESNs for
11 Willowbrook and Clarendon Hills were not in the
12 DuPage County ETSB MSAG?

13 A June of 2005.

14 Q Did that surprise you?

15 A Very much so, yes.

16 Q Why?

17 MR. NEVILLE: Objection, Judge. Her surprise
18 is of no relevance to this --

19 MR. BOND: Well, Judge, it is relevant --

20 JUDGE HILLIARD: Well, she's the administrator.
21 It's her job to keep track of these things. I think
22 it's relevant.

1 THE WITNESS: There are two reasons: Number
2 one, I had consistently received MSAG request updates
3 in the form of annexations and changes of addresses
4 for the incorporated villages of Willowbrook and
5 Clarendon Hills. And there was no action taken on my
6 part to ever remove or, to the best of my
7 knowledge -- well, strike that.

8 There was no action taken on my part
9 to have any ESNs removed from the DuPage County MSAG.

10 Q Did you believe that those ESNs for
11 Willowbrook and Clarendon Hills not being in the
12 DuPage MSAG was an error?

13 A Yes.

14 Q What did you do about that?

15 A I contacted Vidas Germanas and asked him
16 why the ESNs were not in the DuPage County MSAG.

17 Q Why did you contact Vidas Germanas?

18 A He's the MSAG coordinator.

19 Q And after you contacted Vidas Germanas, do
20 you know whether or not the ESNs for Willowbrook and
21 Clarendon Hills were restored back to the DuPage ET&SB
22 MSAG?

1 A Yes.

2 Q And were they?

3 A Yes.

4 Q And what you've seen previously as
5 Exhibit R, that's a copy of the DuPage County MSAG
6 that includes the ESN for Willowbrook and Clarendon
7 Hills?

8 A Yes.

9 Q And that's the MSAG, to the best of your
10 knowledge, that is in effect as we sit here today?

11 A Yes.

12 Q You also testified under cross-examination
13 as to the maintenance of the paragraph 5, page 5
14 contract between the ETSB of DuPage and Southwest
15 Central, which is previously marked as Exhibit 11.

16 What is the "maintenance" of that
17 Master Street Address Guide?

18 A I wrote that agreement. And when I wrote
19 that agreement, maintenance meant that Southwest
20 Central would submit, in lieu of Willowbrook or
21 Clarendon Hills, address changes to DuPage County
22 ETSB. That was the intent. Wireless was not in

1 effect at that time, and it was to enable the clear
2 flow of documents between DuPage County ETSB and
3 Southwest Central ETSB.

4 Q And under that understanding, is that the
5 mechanics of how MSAG updates are made?

6 A No.

7 Q How are the MSAG updates made?

8 A The requests are as they were from the
9 inception of the 9-1-1 MSAG, coming from Clarendon
10 Hills and Willowbrook directly to the DuPage County
11 ETSB.

12 Q And what happens once the DuPage County
13 ETSB receives information regarding an MSAG change?

14 A Vidas Germanas enters into his account with
15 Intrado after verification of the authenticity of
16 that address modification or change. And Vidas
17 enters it into the Intrado system; and then Intrado
18 electronically confirms back that the change has been
19 made.

20 Q And do you have any knowledge -- well, you
21 were here when Mr. Germanas testified yesterday?

22 A Yes.

1 Q And without going into that in any detail,
2 it is your understanding that that is, in fact, the
3 procedure that has been utilized by Mr. Germanas for
4 making any modifications to the MSAG.

5 A Yes.

6 Q You testified as to the SONET technology.
7 If the grant monies are received by -- released to
8 DuPage ETSB, would this money be used to allow
9 Clarendon Hills to participate in the SONET?

10 A Yes. And Willowbrook would continue to
11 participate and receive a refund of the 12 payments
12 that they have already made.

13 Q Who is the PSAP for the wireless 9-1-1
14 service or calls in the incorporated Wood Dale (sic)
15 and Clarendon Hills?

16 JUDGE HILLIARD: Willowbrook and Clarendon
17 Hills?

18 MR. BOND: Willowbrook and Clarendon Hills.

19 THE WITNESS: The DuPage County Sheriff.

20 BY MR. BOND:

21 Q When were the wireless grant monies first
22 made available, do you know?

1 A I do not recall the exact date. I'm sorry.

2 Q Approximately?

3 A I really can't recall. It's been several

4 years. Maybe three or four years ago. I just can't

5 recall.

6 Q Okay. In the past three or four years, or

7 since the wireless grant funds first became

8 available, who was the PSAP for the wireless 9-1-1

9 service or calls in the incorporated areas of

10 Willowbrook and Clarendon Hills?

11 A Since 1994, the DuPage County Sheriff.

12 MR. BOND: I have nothing further.

13 JUDGE HILLIARD: Recross?

14 MR. NEVILLE: Very briefly.

15 RECROSS-EXAMINATION

16 BY

17 MR. NEVILLE:

18 Q The agreement, which is 11 --

19 A Yes.

20 Q -- the one that you wrote --

21 A Yes.

22 Q -- that never has been cancelled, has it?

1 A Not to my knowledge, no.

2 Q And as far as you know today, it's in full
3 force and in effect?

4 A Yes.

5 Q Did you ever have a conversation with Cindy
6 Barbera-Brello when the contract was being drafted?

7 A I can't recall a conversation. I may have,
8 but that's been a long time ago. And I can't recall
9 a conversation.

10 Q You were present when she testified?

11 A Yes.

12 Q Do you recall her testifying that she spoke
13 to you and you agreed that the ESN numbers for
14 Willowbrook and Clarendon Hills would be placed in
15 the Southwest Central's MSAG?

16 A I do not recall having that conversation.

17 Q Okay. You were present when Mary McIlvain
18 testified?

19 A Yes.

20 Q And she testified that she sends
21 modification requests to Intrado for Willowbrook and
22 Clarendon Hills. Do you recall that?

1 A Yes.

2 Q And that she received confirmation?

3 A Yes.

4 Q Do you have any reason to doubt that?

5 A None at all.

6 MR. NEVILLE: That's all I have, Judge.

7 MR. BOND: Just real briefly.

8 MR. HARVEY: If I might ask one question by way
9 of clarification.

10 EXAMINATION

11 BY

12 MR. HARVEY:

13 Q Ms. Hauptman, when you used the term
14 "wireless grant funds," is it fair to say that that
15 means grants made from the Wireless Emergency
16 Telephone Systems fund by either the Department of
17 Central Management Services or the ICC to Emergency
18 Telephone Safety Boards? Is that -- am I
19 understanding your --

20 A Emergency Telephone System Board, yes.

21 Q Okay. That's what you mean?

22 A Yes.

1 Q Okay. Thank you.

2 FURTHER REDIRECT EXAMINATION

3 BY

4 MR. BOND:

5 Q When you heard Ms. McIlvain testify, is
6 that the first time you learned there was any
7 modifications or anybody else who was submitting
8 possible modifications to the DuPage ETSB MSAG?

9 A Yes.

10 MR. BOND: Nothing further.

11 MR. NEVILLE: Nothing.

12 JUDGE HILLIARD: Thank you, ma'am.

13 THE WITNESS: Thank you.

14 JUDGE HILLIARD: How long is your next witness?

15 MR. BOND: Probably a half-hour or so.

16 JUDGE HILLIARD: Do you want to go to lunch now
17 or go through this guy and get it over with?

18 (Whereupon, a discussion was had
19 off the record.)

20

21

22

1 (Witness sworn.)

2 THOMAS K. JANAES,

3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MR. BOND:

8 Q Can you please state your name.

9 A Thomas K. Janaes, J-a-n-a-e-s.

10 Q And Mr. Janaes, what is your current
11 business address?

12 A Well, it would be 1901 North Naper
13 Boulevard, which is my only professional endeavor
14 right now, the ETSB of DuPage County. I'm retired.

15 Q Okay. And -- well, let me get to your
16 education. I'll get to your employment background.

17 What is the highest level of education
18 you've received?

19 A 17 years, a year of graduate school.

20 Q And you've received -- have you received
21 any degrees?

22 A Bachelor's degree in classical languages.

1 Q Okay. And you said that you had a --
2 pursued a higher education beyond a bachelor's
3 degree?

4 A Yes. I started at graduate school at
5 Loyola University in Chicago in classical languages
6 and stopped; later applied for and was accepted at
7 University of Chicago; and did not -- had a change of
8 heart in my career planning and decided to get into
9 the public safety business.

10 Q And when did you first get into the public
11 safety arena?

12 A 1983.

13 Q And in what capacity?

14 A Deputy Sheriff of DuPage County.

15 Q And for what period of time did you serve
16 as a deputy sheriff in DuPage County?

17 A From 1983 until 2003 when I retired.

18 Q And what position or rank did you hold
19 prior to your retirement from the DuPage County
20 Sheriff's Office?

21 A I held the position of chief, which is also
22 called undersheriff.

1 Q And in your capacity as undersheriff --
2 what's the size of the sheriff's department of DuPage
3 County?

4 A Approximately 600 employees.

5 Q And in your capacity as under sheriff, were
6 you responsible for overseeing the supervision of
7 those 600 employees?

8 A Yes.

9 Q And did you report -- who did you report
10 directly to?

11 A I reported to the sheriff.

12 Q Did your duties in your tenure with the
13 DuPage County Sheriff's Office relate to 9-1-1
14 services?

15 A Yes, they did. There was an overlap. I
16 was a board member of the 9-1-1 board, which I'm not
17 going to get into. But I was also in charge of all
18 the technology for the Sheriff's Office which
19 dovetailed into the 9-1-1 effort in DuPage County.

20 Q And you indicated that you served on the
21 DuPage County ETSB?

22 A Yes. I was appointed by the DuPage County

1 Board as a member of the ETSB in 1992.

2 Q And for what period of time did you serve
3 as a member of the DuPage ETSB?

4 A I served to the present with success of
5 three appointments. And I'm appointed as secretary
6 of the ETSB.

7 Q So you hold an office with the DuPage ETSB
8 at the present time?

9 A Yes, secretary.

10 Q Are you familiar with the public question
11 referendum that established the DuPage ETSB?

12 A Yes.

13 Q And are you also -- in your extensive
14 experience, in 9-1-1 and law enforcement, are you
15 familiar with the Emergency Telephone System Act?

16 A Yes, I am.

17 Q Do you know what authority established the
18 DuPage -- or how the DuPage ETSB was established?

19 MR. NEVILLE: Objection, Judge. This is -- his
20 testimony was established by Nancy Hauptman to start
21 off with, as I recall.

22 MR. BOND: Judge, I can abbreviate it.

1 He would testify that the authority
2 established originates from the surcharge referendum
3 that was provided to the voters in the incorporated
4 counties of DuPage County.

5 JUDGE HILLIARD: Is that all right?

6 MR. NEVILLE: That's okay.

7 JUDGE HILLIARD: You stipulate to that then?

8 MR. NEVILLE: Well, I'm stipulating he'd
9 testify to that, then.

10 MR. BOND: Judge, it may -- and I might be able
11 to abbreviate some of this because some of this is a
12 little bit -- does provide a different perspective
13 from this witness. And if you want, I can just run
14 through them.

15 Just he would testify to Willowbrook,
16 as a result of the referendum, as a member of the
17 DuPage ETSB.

18 MR. NEVILLE: I have no argument with that.

19 MR. BOND: And that Clarendon Hills, as a
20 result of the referendum, is also a member of the
21 ETSB.

22 JUDGE HILLIARD: DuPage ETSB.

1 MR. NEVILLE: What I would stipulate is he
2 would testify to this, yes.

3 MR. BOND: He would further testify that in or
4 around 1991 DuPage ETSB and Southwest Central
5 contracted for dispatch services.

6 MR. NEVILLE: Wireline dispatch.

7 MR. BOND: Wireline dispatch services.

8 MR. NEVILLE: Yes.

9 MR. BOND: And he would testify that neither
10 Clarendon Hills or Willowbrook have ever held
11 referendum within their municipal boundaries relative
12 to the establishment of an ETSB or the implementation
13 of an ETSB surcharge.

14 MR. NEVILLE: I would agree that he would
15 testify to that.

16 MR. BOND: He would testify that the 1991
17 agreement indicates that the parties identified that
18 Willowbrook would be a member of DuPage ETSB and not
19 a member of Southwest Central System.

20 MR. NEVILLE: You're talking about the contract
21 between Southwest and DuPage --

22 MR. BOND: Right.

1 MR. NEVILLE: -- which has been marked as an
2 exhibit?

3 MR. BOND: Right.

4 MR. NEVILLE: Yes.

5 MR. BOND: He would also testify that the
6 DuPage County ETSB provides equipment, service,
7 facilities, and other items necessary for the
8 implementation, operation, maintenance and repair of
9 the wireline and wireless 9-1-1 emergency telephone
10 system within portions of DuPage County.

11 MR. NEVILLE: I'd agree he'd testify to that.

12 MR. BOND: He would testify that the DuPage
13 County ETSB provided enhanced 9-1-1 wireline and
14 wireless service -- telephone service to its members.

15 MR. NEVILLE: Well, I don't know that. I
16 mean --

17 JUDGE HILLIARD: Did you hear his statement?

18 THE WITNESS: Yes.

19 JUDGE HILLIARD: Do you agree with it?

20 THE WITNESS: Yes, I do.

21 MR. BOND: He would testify that the wireless
22 9-1-1 emergency telephone system for zip codes 60514

1 and 60527 is provided by the DuPage County Sheriff
2 Office.

3 MR. NEVILLE: I'm not agreeing to that. You're
4 talking about wireline dispatching for Clarendon
5 Hills and Willowbrook?

6 MR. BOND: Right.

7 MR. NEVILLE: No, I won't agree to that.

8 MR. BOND: May I inquire, your Honor?

9 JUDGE HILLIARD: Yes.

10 BY MR. BOND:

11 Q Who provides wireless 9-1-1 emergency
12 telephone service within zip codes 60514 and 60527?

13 A That would be the DuPage County Sheriff.

14 Q Does the Village of -- or does Southwest
15 Central provide wireless emergency telephone service
16 to those zip codes?

17 A No.

18 Q In your capacity as a board member of the
19 DuPage ETSB and as a DuPage County Sheriff Deputy and
20 under sheriff with the Sheriff's office, did you have
21 any involvement with the Master Street Address Guide,
22 or MSAG, in connection with the DuPage ETSB?

1 A Yes, I did.

2 Q What was that role or responsibility?

3 A The DuPage ETSB had a contractor who
4 managed the MSAG for the DuPage ETSB board up to -- I
5 believe, it was '92. And at that point in time the
6 contractor left to pursue other endeavors. And I
7 personally took over doing the MSAG for the ETSB and
8 did it until we hired Vidas when we met in 1995.

9 JUDGE HILLIARD: Mr. Germanas.

10 THE WITNESS: Yes, Mr. Germanas.

11 BY MR. BOND:

12 Q And what would you do in connection with
13 your involvement with the MSAG from the period of
14 1991 to 1995 when there was a request for a change of
15 address in the MSAG?

16 MR. NEVILLE: I thought you said '92 to '95.

17 THE WITNESS: I believe it was approximately
18 '92. I'm not absolutely certain of the start date,
19 but I know I came on board in 1992.

20 BY MR. BOND:

21 Q Let me rephrase it then.

22 Since 1992 to 1995 when Mr. Germanas

1 took over as the MSAG coordinator, did you ever
2 receive any requests for modification, amendment to
3 the MSAG?

4 A Oh, yes.

5 Q And could you describe for us what the
6 procedure was to make those modifications?

7 A Typically, the types of changes one would
8 get would be an annexation to a municipality or a new
9 subdivision that was platted. And I would notify the
10 -- I would determine, first, which of the police
11 agency and fire agency would respond to that address,
12 which is coded in a thing called the ESN, which we've
13 heard about.

14 And I would notify the telephone
15 company to reflect that ESN in their database for
16 that address.

17 Q Would you receive any confirmation that
18 that ESN had, in fact, been incorporated in the
19 Master Street Address Guide?

20 A At that time, of course, it was a paper
21 operation; and, yes, I would receive a paper back --
22 confirmation that I had submitted it.

1 Q After the update or the modification to the
2 MSAG was made, was it the practice that the
3 contractor or the telephone company would send you a
4 complete, full Master Street Address Guide, or would
5 they simply acknowledge --

6 A Well, the deal with that was that you would
7 get -- on an annual basis you would get sent
8 information from them. And if you wanted something
9 in a shorter time frame than a year, you would have
10 to pay for it. So we would get annual reviews of the
11 MSAG.

12 Q And the annual review of the MSAG would
13 consist of those modifications that were made to the
14 MSAG within that period of time preceding a year?

15 A Yes. And, of course, we had other ways of
16 knowing if something was coded wrong, and that would
17 be -- the dispatch agency would identify that there
18 was a coding issue, which usually was on the
19 telephone company side.

20 JUDGE HILLIARD: The dispatch agency being who?

21 THE WITNESS: Well, there are 15 dispatch
22 agencies overseen by -- funded by the DuPage County

1 Emergency Telephone System Board that actually
2 dispatched to police and firemen in DuPage County.

3 JUDGE HILLIARD: Okay.

4 BY MR. BOND:

5 Q Is Southwest Central Dispatch one of those
6 15 agencies?

7 A Yes.

8 Q The -- do you know whether or not the
9 postal zip codes 60527 and 60514 are contained within
10 the DuPage County ETSB MSAG?

11 A Yes.

12 Q And in your experience as the MSAG
13 coordinator -- well, did you have any oversight over
14 Mr. Germanas in your capacity with the Sheriff's
15 Office or the ETSB once Mr. Germanas became the MSAG
16 coordinator?

17 A I trained Mr. Germanas; and after that
18 point, he reported to the DuPage 9-1-1 board monthly
19 on his status on the MSAG.

20 Q And to your knowledge, who possesses the
21 authority to make changes to the MSAG that you
22 described procedurally?

1 A Just Mr. Germanas.

2 MR. BOND: I got a couple that may result in
3 stipulation.

4 Mr. Janaes would testify that
5 Southwest Central has provided enhanced wireline
6 9-1-1 telephone service for all wireline 9-1-1 calls
7 originating in the incorporated boundaries of
8 Willowbrook since 1992.

9 MR. NEVILLE: 1991 I thought.

10 MR. BOND: I'll change it to '91. It's fine.

11 MR. NEVILLE: Yeah.

12 MR. BOND: And he would further testify that
13 Southwest Central has provided wireline 9-1-1 service
14 for 9-1-1 calls originating within the incorporated
15 borders of Clarendon Hills since 1993.

16 MR. NEVILLE: I agree he'd testify to that.

17 BY MR. BOND:

18 Q For the wireline 9-1-1 calls originating
19 within the incorporated Willowbrook and incorporated
20 Clarendon Hills, are those directly received by
21 Southwest Central? The wireline?

22 A The wireline, yes.

1 Q And are those calls then dispatched and
2 handled by Southwest Central from the inception of
3 the call to the end of the emergency?

4 A Yes -- or to the extent that they don't
5 need to bring in another party that's beyond their
6 dispatch center.

7 Q And the wireless 9-1-1 calls originating --
8 the wireless, however, 9-1-1 calls originating within
9 the incorporated boundaries of Willowbrook and
10 Clarendon Hills, who receives those?

11 A The wireless are received by the DuPage
12 County Sheriff.

13 Q And do you know for what period of time
14 that has occurred?

15 A That has occurred since October of 1994.

16 MR. BOND: This is another potential
17 stipulation.

18 He would testify that after the
19 enactment of the Wireless Act, DuPage ETSB filed its
20 plan as required by statute of the ICC.

21 MR. NEVILLE: I agree he'd testify to that.

22 MR. HARVEY: I would say, perhaps, submitted to

1 the ICC Staff would be a more accurate
2 representation.

3 JUDGE HILLIARD: Is that all right?

4 MR. BOND: That would be acceptable, Judge.

5 BY MR. BOND:

6 Q Prior to the enactment of the wireless
7 9-1-1 act and since 1994, who has answered the
8 wireless 9-1-1 calls within the incorporated
9 Clarendon Hills and incorporated Willowbrook area?

10 A DuPage County Sheriff.

11 MR. NEVILLE: Was that wireless?

12 MR. BOND: Wireless.

13 MR. NEVILLE: Thank you.

14 BY MR. BOND:

15 Q And from the time that the DuPage County
16 ETSB's wireless plan was submitted to the ICC and
17 accepted by the ICC, up to and including the present
18 time, are all wireless 9-1-1 calls initiated within
19 the incorporated Willowbrook and Clarendon Hills area
20 received by the DuPage County Sheriff's dispatch
21 center and transferred by the Sheriff's Office to
22 Southwest Central, or are those incorporated areas of

1 Willowbrook and Clarendon Hills?

2 A The answer is, yes, to the extent that
3 isn't a State Police call because it would be
4 transferred to the State Police not Southwest
5 Central.

6 Q So there are some calls that would come in
7 that may not be transfer- -- wireless calls
8 initiating or originating within the jurisdictional
9 boundaries -- municipal jurisdictional boundaries of
10 Clarendon Hills and Willowbrook which may not be
11 transferred to --

12 A Yes, because wireless is colluded business.
13 People are making the calls about something they've
14 seen, which may need a jurisdictional back; and many
15 people are getting on or off the state roads there,
16 and it would call for a State police response.

17 Q And there's also other calls that simply
18 are multiple calls for a single incident or accident?

19 A Yes.

20 Q And those wouldn't be transferred then,
21 would they?

22 A That's correct.

1 Q And in your capacity, both with the
2 Sheriff's Office and with the ETSB, if there was a
3 problem with a call or the transmission or the
4 transfer of a call in an emergency situation, would
5 that be brought to your attention?

6 A Yes.

7 Q And to your knowledge, has a receipt by the
8 DuPage County Sheriff of any wireless 9-1-1 calls
9 from either incorporated Willowbrook or incorporated
10 Clarendon Hills resulted in any unacceptable safety
11 issue or incident?

12 A No.

13 Q Is the public safety of the incorporated
14 areas of Willowbrook and Clarendon Hills impacted in
15 any way favorably by the ETS- -- by the Sheriff's
16 Office initiating -- or Sheriff's Office initially
17 receiving the call?

18 A Yes, I believe that is true.

19 Q How so?

20 A I believe that the -- and this is something
21 that the sheriff has taken special effort at training
22 his staff for dealing with this type of call, where

1 some amount of triaging is necessary to determine the
2 location of the incident. And also the wireless
3 calls, given that they come from multiple vendors and
4 given the fact that the location information is so
5 sketchy and inaccurate in many cases, the sheriff's
6 people are trained and skilled in determining what
7 the true location is of the call. And that includes
8 working with the cell company on the spot and
9 investigating these calls. And they take them very,
10 very seriously.

11 MR. BOND: The others I just have -- if called
12 to testify, he would testify with respect to the
13 infrastructure, the budget, and the figures that
14 Ms. Hauptman testified to with respect to the 9-1-1.

15 MR. NEVILLE: It would be the same testimony?

16 MR. BOND: It would be the same testimony.

17 MR. NEVILLE: Then I would agree he would
18 testify.

19 BY MR. BOND:

20 Q Mr. Janaes, who is the PSAP for the
21 wireless 9-1-1 service or call in the incorporated
22 Willowbrook or Clarendon Hills area.

1 A The DuPage County Sheriff.

2 MR. BOND: I have nothing further.

3 MR. NEVILLE: Can I just have the last question

4 read back.

5 JUDGE HILLIARD: Sure.

6 (Whereupon, the record was read

7 as requested.)

8 MR. NEVILLE: That's all I needed. Thank you.

9 Your last question did not include

10 wireline, did it?

11 MR. BOND: I'm sorry?

12 MR. NEVILLE: Your last question did not

13 include wireline, did it?

14 MR. BOND: No, that's correct, "for the

15 wireless 9-1-1 service."

16 MR. NEVILLE: Did you complete your

17 examination?

18 MR. BOND: Yes, I've completed my examination.

19 JUDGE HILLIARD: And cross?

20 MR. NEVILLE: Yes.

21

22

1 CROSS-EXAMINATION

2 BY

3 MR. NEVILLE:

4 Q For wireline 9-1-1 calls, Southwest Central
5 Dispatch is the PSAP for wireline calls that emanate
6 for Willowbrook and Clarendon Hills?

7 A Yes, from incorporated Willowbrook and
8 Clarendon Hills.

9 Q This issue about nothing's been brought to
10 your attention about public -- unacceptable answering
11 of wireless 9-1-1 calls, are you sitting here today
12 and telling me that there's been a mistake -- let me
13 finish my question before you respond -- that you're
14 aware of every call that's come in and there's never
15 been a mistake made by the DuPage County Sheriff?

16 MR. BOND: I'm going to object as to relevance.
17 And, you know, the purpose of the testimony of this
18 witness is and other witnesses -- there's an exhibit
19 that's been admitted into evidence for resolution
20 from the Village of Clarendon Hills and the Village
21 of Willowbrook from 1993 through 2005, and they
22 indicate in those resolutions that public safety will

1 be compromised by all of these things occurring.

2 And the purpose of the testimony was
3 to show, in fact, those things did not occur. Not to
4 say there would never be human error involved in any
5 call. And I think that's beyond the scope of --

6 JUDGE HILLIARD: I think your question's a
7 little broad. You didn't ask him about your two
8 areas you're interested in. You just asked him about
9 the entire Sheriff's Office and all of the calls.

10 MR. NEVILLE: That's fair. I'll withdraw that
11 question then.

12 BY MR. NEVILLE:

13 Q With regard to Willowbrook and Clarendon
14 Hills, is it your testimony, as you sit here, that
15 wireless calls that emanate from Willowbrook and
16 Clarendon Hills and are transferred to the Sheriff
17 that there's never been a mistake made in
18 dispatching?

19 A I'm willing to testify -- and I was the
20 direct supervisor of the dispatch center -- that
21 nothing has been reported to me. And they do report
22 things to me because I'm a problem-solver for them.

1 Q But the fact -- you can't testify, as you
2 sit here, that errors haven't occurred. You can just
3 testify that errors haven't been reported to you; is
4 that fair?

5 MR. BOND: Objection. Asked and answered.

6 JUDGE HILLIARD: You can answer.

7 THE WITNESS: I would say that they haven't
8 happened if they weren't reported to me.

9 BY MR. NEVILLE:

10 Q All right. So there's never been a mistake
11 made with regard to Willowbrook and Clarendon
12 Hills --

13 JUDGE HILLIARD: I think you're arguing with
14 him now. I'm going to sustain the objection to that
15 question.

16 You left the office in '03; isn't that
17 right?

18 THE WITNESS: In '03, yes.

19 JUDGE HILLIARD: Okay.

20 BY MR. NEVILLE:

21 Q You agree that it is possible that the
22 wireless 9-1-1 calls that emanate from Willowbrook

1 and Clarendon Hills could be directly routed to
2 Southwest Central ETSB?

3 A I don't see how I could agree to it. How
4 could that happen?

5 Q You don't believe it's technologically
6 possible?

7 A No, I don't.

8 Q Now, you said that you were involved with
9 the DuPage MSAG, if I'm correct, from the years '92
10 to '95; is that right?

11 A That is correct.

12 Q And during those years, do you have any
13 knowledge of what ESN numbers were contained in the
14 MSAG?

15 A Well, at one time I had them all memorized.
16 But I can't recite all the MSAG ESN numbers now.

17 Q By the way, did you discuss with anybody
18 last night or today the testimony of any witness who
19 testified?

20 A I didn't see or hear the testimony of any
21 witness.

22 Q Did you discuss what their testimony was

1 with anybody?

2 A Actually, the only person I talked to
3 wasn't a witness yesterday.

4 Q My question simply is, did you discuss with
5 anyone after the hearing yesterday, prior to your
6 testimony now, any substance of the testimony of any
7 witness who was here?

8 A The only witness that I'm aware of is
9 Mr. Shanley, his staff, and then Vidas Germanas of my
10 staff. And I did not discuss it with those people.

11 JUDGE HILLIARD: No. His question was, did you
12 discuss it with anyone? Did you discuss
13 Mr. Shanley's testimony or Mr. Germanas's testimony
14 or any other -- I don't know if there was any other
15 person -- with anyone else before coming here today
16 or after they testified.

17 THE WITNESS: Thank you, Judge. I think I
18 understand the question now.

19 My discussion was limited to if
20 someone did a good job or didn't do a good job. But
21 it was mainly centered around whether or not they
22 spoke loudly or softly. I was led to believe it was

1 the most important thing.

2 BY MR. NEVILLE:

3 Q And who did you have this conversation
4 with?

5 A That would be with Nancy Hauptman.

6 Q But not about the substance of anybody's
7 testimony?

8 A It was -- I can tell you quite sincerely it
9 was about I have to learn to raise my voice, because
10 I have a very soft voice.

11 Q Do you have any knowledge of whether the
12 ESN numbers for Willowbrook and Clarendon Hills were
13 present in the DuPage MSAG in the years '92 to '95?

14 A They would have been. Yes, they were.
15 Everything except incorporated Naperville would have
16 been in at that time.

17 Q Did you bring any documents here today to
18 corroborate that fact?

19 A No.

20 Q Do you have any document that exist that
21 corroborate that fact?

22 A Vidas Germanas would have whatever

1 documents exist.

2 Q Pardon me?

3 A Vidas Germanas would have whatever
4 documents might exist.

5 Q Do you have any explanation for how those
6 ESN numbers became part of Southwest Central ETSB's
7 MSAG?

8 A Well, you know, it's technically possible
9 given that the telephone company is involved in this.
10 They may have allowed another entity to overwrite
11 someone else's MSAG.

12 Q My question is, do you know?

13 A No.

14 Q And you would agree that the Southwest
15 Central ETSB is responsible for receiving and
16 dispatching the wireline calls that emanate from --

17 A No, I would not.

18 Q Well, you got to let me finish my question
19 before you disagree with me.

20 A Okay.

21 Q Would you agree that the Southwest Central
22 ETSB is responsible for receiving and dispatching

1 wireless calls from Clarendon Hills and Willowbrook?

2 A No, I would not.

3 Q Who is responsible for that?

4 A The -- there's the ETSB level and the
5 dispatch level. Southwest is the dispatch. The ETSB
6 is DuPage County ETSB.

7 Q Is there any other entity that is permitted
8 by the ICC to receive and dispatch wireline calls
9 from Willowbrook and Clarendon Hills other than
10 Southwest Central?

11 JUDGE HILLIARD: Wait a minute. Your last
12 question was about wireless calls. Are you meaning
13 to ask about wireline calls?

14 MR. NEVILLE: If I said wireless, that's my
15 mistake. I didn't mean that. So let me just repeat
16 it.

17 BY MR. NEVILLE:

18 Q I'm only asking you about wireline calls.
19 An if I said wireless, that's my error.

20 Is Southwest Central ETSB responsible
21 for the receiving or dispatching of wireline calls
22 from Clarendon Hills and Willowbrook?

1 A I shouldn't think so. I would think it
2 would be Southwest Central Dispatch Center.

3 Q Well, whatever you call Southwest.

4 But that entity is responsible for
5 receiving and dispatching wireline calls from
6 Clarendon Hills and Willowbrook?

7 A I wouldn't use the term -- number one,
8 ETSB, I wouldn't use the term "responsible." I would
9 use the term that they act as a PSAP within the
10 DuPage system, and they do answer the wireline calls.

11 Q Are they authorized by the ICC to do so?

12 A That is part of the published plan as all
13 our PSAPs are.

14 Q Intrado did not exist during the time you
15 were involved with the MSAG, did it?

16 A That is correct.

17 Q What was the name of the contractor prior
18 to 1992?

19 A His name was Pat McMahon, I believe.

20 Q Was that a company or an individual?

21 A It was an individual.

22 JUDGE HILLIARD: What function did that

1 contractor perform?

2 THE WITNESS: He served as the MSAG manager for
3 the DuPage ETSB. And I think I even remember how
4 much we paid.

5 MR. NEVILLE: That's all I have, Judge.

6 JUDGE HILLIARD: Redirect?

7 MR. BOND: None, Judge.

8 MR. HARVEY: Nothing from Staff, your Honor.

9 JUDGE HILLIARD: Then I think you're all done,
10 sir. Thank you.

11 THE WITNESS: Thank you, Judge.

12 JUDGE HILLIARD: Do you have any other
13 witnesses?

14 MR. BOND: We have no further witnesses.

15 JUDGE HILLIARD: Well, then we --

16 MR. NEVILLE: If I may, there's just two
17 remaining issues that I'm aware of. And one is that
18 the MSAG that we delivered to CMS -- I think we
19 brought this up with you yesterday -- has to be
20 located. And Matt said he would continue his efforts
21 to do it, but that does need to be made part of the
22 record.

1 And the second was the affidavit of
2 Mr. Valentine. I believe we've agreed to the
3 document itself. It just needs to be filed.

4 MR. HARVEY: Yeah, we requested to late-file
5 that. And you, Judge, were kind enough to grant
6 that. So we'll get that on file within the next
7 several days.

8 JUDGE HILLIARD: All right. What do you want
9 to do if you can't find this MSAG?

10 MR. NEVILLE: Well, I then think that -- I had
11 discussed the possibility of a stipulation among the
12 parties, but we want to see first -- if we can't
13 stipulate to it, then I believe we would then have to
14 go to that part of the statute which says if it's not
15 available, you would decide it on the hearing.
16 That's what this section says.

17 JUDGE HILLIARD: All right. The MSAG, if
18 found, will be made a late-filed exhibit. And the
19 Valentine Affidavit will be made a late-filed
20 exhibit, also.

21 I'm going to get my calendar so we can
22 be on a post hearing schedule.

1 (Whereupon, a recess was taken.)

2 (Whereupon, a discussion was had
3 off the record.)

4 JUDGE HILLIARD: The simultaneous initial
5 briefs in this manner will be due on April 8th by the
6 close of business, and replies will be due on or
7 before May 26th.

8 MR. HARVEY: One other question --

9 JUDGE HILLIARD: Excuse me, and draft orders,
10 if any, will be due on the 26th.

11 Go ahead, Mr. Harvey.

12 MR. HARVEY: It's normally the practice around
13 here to submit pleadings electronically without
14 paper, copies to follow. I mean, I'd be fine doing
15 that. It seems like this case is sort of departed
16 from our usual procedure. But to the extent that
17 it's acceptable to the parties, I'd prefer to submit
18 things electronically.

19 MR. NEVILLE: I have no problem with that. I
20 mean, we've gotten into that system, so we can do it
21 now.

22 JUDGE HILLIARD: E-mail people with -- in

1 addition to filing it, e-mail copies.

2 MR. NEVILLE: Okay, Judge. That's fine.

3 JUDGE HILLIARD: Because, otherwise, you know,
4 you don't know unless you look at the --

5 MR. NEVILLE: And I'm assuming the Word format
6 is what everybody wants around here.

7 JUDGE HILLIARD: Yes, that's true.

8 MR. NEVILLE: Judge, it just occurred to me
9 that I had used an exhibit -- I believe it was
10 Southwest Central 18. But I think that document is
11 already in evidence through their exhibits. But I
12 just wanted to make sure.

13 Had you not already admitted that as
14 evidence?

15 MR. BOND: Yes.

16 MR. HARVEY: That's at same as DuPage County L.

17 MR. NEVILLE: No, not L. Because L is the
18 plan.

19 MR. BOND: Yeah, it's attached to the plan.

20 MR. NEVILLE: So that's where it's at. Okay.

21 So there's no need for me to introduce
22 it again?

1 JUDGE HILLIARD: No.

2 All right then we're adjourned. The
3 matter will be marked heard and taken.

4 HEARD AND TAKEN.

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